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OFFICE OF PETITIONS

In re Application of
Yeung et al.
Application No. 09/847,570
Filed: May 2, 2001
Attorney Docket No. 25821P032

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: DECISION ON PETITIONS
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This is a decision on the following petitions filed on October 10, 2006: (1) renewed petition under 37 CFR 1.183, seeking waiver of 37 CFR 1.67 and 1.63; (2) petition under 37 CFR 1.137(b) to revive the above-identified unintentionally abandoned application; and, (3) petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue.

As to the petition under 37 CFR 183:

With the present renewed petition, petitioners submit a supplemental declaration executed by all of the joint inventors. In view of the joinder of inventor, Mong Tung Yeung, further consideration under 37 CFR 1.183 is not necessary. Therefore, the petition under 37 CFR 1.183 is **dismissed** as involving a moot issue.

As to the petition under 37 CFR 1.137(b):

This application became abandoned for failure to file a timely response to the decision mailed on December 19, 2005. The decision set a two-month extendable period from the mailing date of the decision to respond, correcting the noted deficiencies. As no response was received, the application became abandoned on February 20, 2006. A Notice of Abandonment was mailed on March 30, 2006.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" be submitted. Nevertheless, the statement presented in the petition will be accepted and construed as the statement required by 37 CFR 1.137(b)(3). Petitioners must notify the Office if this is not a correct interpretation of the statement contained in the present petition.

Petitioners have met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

As to the petition under 37 CFR 1.313(c)(2):

Petitioners request withdrawal of this application from issue for consideration of a submission under 37 CFR 1.114.

The petition satisfies the requirements of 37 CFR 1.313(c)(2). Accordingly, this application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (RCE).

Petitioners are advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioners may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

This matter is being referred to Technology Center AU 2674 for processing the RCE and for consideration of the Information Disclosure Statement submitted on October 10, 2006.

Christina Tartera Donnell

Christina Tartera Donnell
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Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioners are advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.